

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JANE DOE,

Plaintiff,

-against-

THOMAS ZEUMER,

Defendant.

ANALISA TORRES, District Judge:

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23 Civ. 10226 (AT)

ORDER

The Court has reviewed the parties' stipulation in which Defendant does not object to Plaintiff proceeding via pseudonym. ECF No. 22.

"The title of [a] complaint must name all parties." Fed. R. Civ. P. 10(a). However, courts have "carved out a limited number of exceptions to the general requirement of disclosure of the names of parties, which permit plaintiffs to proceed anonymously." *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2008) (cleaned up). "[W]hen determining whether a plaintiff may be allowed to maintain an action under a pseudonym, the plaintiff's interest in anonymity must be balanced against both the public interest in disclosure and any prejudice to the defendant." *Id.* In determining whether a plaintiff may be allowed to maintain an action under a pseudonym, courts can consider the following "non-exhaustive" list of factors:

(1) whether the litigation involves matters that are highly sensitive and of a personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the party seeking to proceed anonymously or even more critically, to innocent non-parties; (3) whether identification presents other harms and the likely severity of those harms, including whether the injury litigated against would be incurred as a result of the disclosure of the plaintiff's identity; (4) whether the plaintiff is particularly vulnerable to the possible harms of disclosure, particularly in light of his age; (5) whether the suit is challenging the actions of the government or that of private parties; (6) whether the defendant is prejudiced by allowing the plaintiff to press [her] claims anonymously, whether the nature of that prejudice (if any) differs at any particular stage of the litigation, and whether any prejudice can be mitigated by the district court; (7) whether the plaintiff's identity has thus far been kept confidential; (8) whether the public's interest in the litigation is furthered by requiring the plaintiff to disclose [her] identity; (9) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigants' identities; and (10) whether there are any alternative mechanisms for protecting the confidentiality of the plaintiff.

Id. at 189–90 (cleaned up). Defendants' consent via stipulation bears on some but not all of these factors and, therefore, does not end the inquiry.

Accordingly:

1. The Court shall not so-order the stipulation.
2. By **February 21, 2024**, Plaintiff shall submit a letter motion to proceed via pseudonym, addressing the *Sealed Plaintiff* factors.
3. By **February 26, 2024**, Defendant shall respond via letter and may state, if applicable, that it does not oppose Plaintiff's letter motion.

SO ORDERED.

Dated: February 14, 2024
New York, New York



ANALISA TORRES
United States District Judge